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STATE OF NEVADA

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MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
JERRY HIGGINS
DENNIS K. JOHNSON
RANDY SCHAEFER

STATE CONTRACTORS' BOARD

**MINUTES OF THE MEETING
FEBRUARY 20, 2002**

1. CALL TO ORDER

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech at 8:20 a.m., Wednesday, February 20, 2002, State Contractors' Board, Henderson, Nevada. _____ is the Meeting Agenda and Exhibit B

BOARD MEMBERS PRESENT:

Mr. Douglas W. Carson
Ms. Margar
Mr. David Clark
Mr. Jerry Higgins

BOARD MEMBERS ABSENT:

STAFF MEMBERS PRESENT:

Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations

Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)

meeting law on February 13, 2002, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. In addition, the agenda was posted in each office of the Board,

It was learned there were 28 items on the amended agenda, each item of an emergency nature. Ms. Grein informed the Board that there were two Advisory Opinions, STG

MS. CAVIN MOVED TO HEAR THE AMENDED AGENDA.

MR. CLARK SECONDED THE MOTION.

Mr. Zech called for a motion to approve the minutes of October January 8, 2002 and

January 23 and 24, 2002.

MS. CAVIN MOVED TO APPROVE THE MINUTES OF JANUARY 8, 2002 AND JANUARY 23 AND 24, 2002.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

2. EXECUTIVE SESSION

A. BOARD GOVERNANCE AND ADMINISTRATION

1. SUBCOMMITTEE REPORT AND DISCUSSION REGARDING STAFF ATTORNEY SEARCH - Mr. Carson and Mr. Higgins updated the Board regarding the search for an in house attorney. Mr. Carson and Mr. Higgins had interviewed four candidates on Tuesday, February 19, 2002. The Board informed Mr. Carson and Mr. Higgins that they would like to interview the final two candidates at the Reno meeting in early March or at the latest the next Las Vegas meeting scheduled for March 26, 2002.

2. CANDIDATE INTERVIEWS – Continued to the March 5, 2002, Board meeting.

B. FINANCIAL REVIEW 12/31/01

1. FINANCIAL STATEMENTS 12/31/01 – Continued to the March 5, 2002, Board meeting.

2. CASH DISBURSEMENT AND TRANSFER JOURNALS 12/31/01 – Continued to the March 5, 2002, Board meeting.

3. EXPENDITURE APPROVAL – Continued to the March 5, 2002, Board meeting.

4. EQUIPMENT – Continued to the March 5, 2002, Board meeting.

C. EXECUTIVE OFFICER'S REPORT, INCLUDING:

1. LEGAL REPRESENTATION AND PENDING CASE REPORT – Mr. Griffy provided the Board with a status report on pending court cases.

2. DISCUSSION OF POSSIBLE RESOLUTION OF CASE NO. CV01 031680, M.B. LEWIS CONSTRUCTION, INC. – Ms. Grein briefed the Board on the status of both cases.

3. REPORT ON INTERNAL CONTROL PROCEDURE – Ms. Grein and Mr. Lyford briefed the Board on the status of staff adherence to Internal Control Procedures.

4. ATTORNEY REPORT ON REVIEW OF RULES OF PRACTICE AND REGULATIONS PURSUANT TO NRS 233B.050(1)(d)(e) - The assignment was completed.

5. FUTURE AGENDAS – Continued to the March 5, 2002, Board meeting.

D. DEPARTMENT REPORTS

1. INVESTIGATIONS DIVISION - Mr. Chris Denning, Deputy Director of Investigations, presented the aging report for the Las Vegas Compliance Department.

2. LICENSING DIVISION - Ms. Pat Potter, Licensing Supervisor, presented the aging report for the Las Vegas Licensing Department.

3. HUMAN RESOURCES - Mr. Bart Thurgood, Human Resources Manager, presented a report concerning Human Resources activities including training and recruitment.

4. PUBLIC EDUCATION - Ms. Sonya Ruffin, Public Relations, reported on revisions to the Public Education Program

E. RECOVERY FUND CLAIMS

1. FOLLMER CONTRACTING INC., LICENSE NO. 40758 – Continued to the March 5, 2002, Board meeting.

2. CHRISTIANSEN POOLS, LICENSE NO. 10682 – Continued to the March 5, 2002, Board meeting.

ADVISORY OPINION

STG ENTERPRISES, INC. – STG Enterprises, Inc. requested an Advisory Opinion concerning a bid for the Clark County School District to furnish and install carpet, VCT, and cove base to various schools over a one-year period.

Based upon the information provided, the Board opined that the monetary license limit must be sufficient to cover the total amount of all phases of the contract.

VSI GROUP INC. d/b/a INFRASOURCE METER GROUP – Infrasource Meter Group requested an Advisory Opinion regarding the licensing requirements for the installation of optical-end firefly sensors on previously installed water meters.

The Board opined that a license would not be required to install optical-end firefly sensors.

3. INFORMAL SETTLEMENTS

GREGG CHAMBERS CONSTRUCTION, LICENSE #41850

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT THAT THE RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$407.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OF THE AGREEMENT AND A WARNING LETTER BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON ABSTAINED.

DISCIPLINARY HEARING

4. ROTATING TECHNOLOGY INC. d/b/a LAS VEGAS DEMOLITION, LICENSE #32796 (CONTINUED FROM DECEMBER 18, 2001)

Mr. Dan Paripovich, President, Las Vegas Demolition; Mr. Brent Conrad, President, Werdco BC; Mr. Ralph Haman, Werdco BC; and Investigator Ron Ramsey were sworn in.

Investigator Ramsey informed the Board he had received the financial statement of Las Vegas Demolition that was due June 1, 2001, on Tuesday, February 19, 2002.

Las Vegas Demolition's financial statement was entered into the record as Exhibit #3.

Investigator Ramsey presented to the Board an invoice from LM Construction to Las Vegas Demolition and a proposal from Las Vegas Demolition to LM Construction. The invoice and proposal were entered into the record as Exhibit #4.

The Board questioned Mr. Paripovich regarding his signature on the invoices in question and the hauling of the material off the job site. Mr. Paripovich reiterated to the Board that he had not signed the invoices in question and that he had done all the work himself. Mr. Paripovich concluded that he was not contesting that LM Construction did hauling of material at this job site, only that he did not use them himself.

Mr. Haman testified that he had done some of the hauling of the concrete from this job site to Wells Cargo.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO DISMISS ALL CHARGES AGAINST ROTATING TECHNOLOGY INC. D/B/A LAS VEGAS DEMOLITION, LICENSE #32796, WITHOUT PREJUDICE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

5. DESERT ROOFING, LICENSE #47976 (CONTINUED FROM DECEMBER 18, 2001 AND JANUARY 24, 2002) (STAFF UPDATE)

Investigator Greg Welch informed the Board that a Notice to Correct was issued to the Respondent with a completion date of February 25, 2002. Investigator Welch stated that the Respondent's offer of compensation to Ms. Zisman was refused. Investigator Welch provided a report of roofs repaired by Desert Roofing and Dariold Dodge Roofing.

6. R. J. DEVELOPMENT, LICENSE #40727 (CONTINUED FROM DECEMBER 18, 2001)

Investigator Greg Mincheff was sworn in. Mr. Robert McNeil, Owner, R. J. Development, was not present.

Investigator Mincheff informed the Board that the workmanship items in the Notice to Correct had been completed and the homeowner was happy with the work. A letter from

the homeowner, dated December 13, 2001, was entered into the record as Exhibit #2.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO REFER THE MATTER OF R. J. DEVELOPMENT, LICENSE #40727, TO FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

7. E. W. DEVELOPMENT, LICENSE #38784 (CONTINUED FROM NOVEMBER 20, 2001, DECEMBER 18, 2001 AND JANUARY 23, 2002)

Mr. Edward Webb, Owner, E.W. Development; Ms. Shabnam Tajik, Homeowner; and Investigator Jim Ables were sworn in. Mr. Nik Skrinjaric, attorney for the respondent, was present.

Photographs taken at Ms. Tajik's residence on Tuesday, February 19, 2002 were distributed to the Board members and entered into the record as Exhibit #4.

Investigator Ables explained the photographs and informed the Board there are approximately 12 items pending. Investigator Ables stated the homeowner is satisfied with the kitchen counter tops.

Mr. Webb disputed the accuracy of the photographs and stated he was not aware of the unlevel windowsills. He further stated the painting was completed.

Investigator Spencer Kinney was sworn in. Investigator Kinney testified that he had accompanied Investigator Ables to the Tajik residence and confirmed Investigator Ables' testimony.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE MARCH 26, 2002, BOARD HEARING; IF REPAIRS ARE NOT COMPLETED TO THE INVESTIGATOR'S SATISFACTION THE LICENSE WILL BE REVOKED; THE LICENSE WILL REMAIN SUSPENDED UNTIL THAT TIME.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

8. DISCIPLINARY HEARING DEFAULT ORDERS

R H I, LICENSE #47428

No one from R H I was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.302(5); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(5).

Ms. Grein recommended the Board accept the file as findings of fact, conclusions of law and to find R H I, license #47428 in violation of all charges; to revoke the license; to require the Respondent make full restitution to the damaged parties; and to recover the investigative costs of \$1,017.00 prior to consideration of future licensure.

MR. JOHNSON SO MOVED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

FRESCO AIR CONDITIONING & HEATING LV, LLC, LICENSE #50666

No one from Fresco Air Conditioning & Heating LV, LLC was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.302(5); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NAC 624.640(3).

Ms. Grein recommended the Board accept the file as findings of fact, conclusions of law and to find Fresco Air Conditioning & Heating LV, LLC, license #50666 in violation of all charges; to revoke the license; to require the Respondent make full restitution to the damaged parties; and to recover the investigative costs of \$1,261.00 prior to consideration of future licensure.

MR. JOHNSON SO MOVED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

B & D LANDSCAPING, LICENSE #40724 AND B & D LANDSCAPING, INC., LICENSE #40724A

No one from B & D Landscaping was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.301(1); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3015(1); NRS 624.3015(3); NRS 624.3011(1)(b)(1); NRS 624.3012(2); NRS 624.3015(2); NRS 624.302(5).

Ms. Grein recommended the Board accept the file as findings of fact, conclusions of law and to find B & D Landscaping, license #40724 and B & D Landscaping, Inc., license #40724A in violation of all charges; to revoke the licenses; to require the Respondent make full restitution to the damaged parties; and to recover the investigative costs of \$2,165.00 prior to consideration of future licensure.

MR. JOHNSON SO MOVED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

ED'S CONCRETE CONSTRUCTION COMPANY, LICENSE #40283

No one from Ed's Concrete Construction Company was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.302(5); NRS 624.3013(3); NRS 624.3013(4); NRS 624.3013(5), as set forth in NAC 624.640(3).

Ms. Grein recommended the Board accept the file as findings of fact, conclusions of law and to find Ed's Concrete Construction Company, license #40283 in violation of all charges; to revoke the license; to require the Respondent make full restitution to the damaged parties; and to recover the investigative costs of \$1,362.00 prior to consideration of future licensure.

MR. JOHNSON SO MOVED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

NEVADA PAINT & DRYWALL, LICENSE #35768

No one from Nevada Paint & Drywall was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NAC 624.640(3).

Ms. Grein recommended the Board accept the file as findings of fact, conclusions of law and to find Nevada Paint & Drywall, license #35768 in violation of all charges; to revoke the license; to require the Respondent make full restitution to the damaged parties; and to recover the investigative costs of \$1,422.00 prior to consideration of future licensure.

MR. JOHNSON SO MOVED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

DESERT MIRAGE LANDSCAPING INC., LICENSE #42444

No one from Desert Mirage Landscaping Inc. was present.

The hearing was for possible violation of NRS 624.301(1); NRS 624.3015(2); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(3).

Ms. Grein recommended the Board accept the file as findings of fact, conclusions of law and to find Desert Mirage Landscaping, Inc., license #42444 in violation of all charges; to revoke the license; to require the Respondent make full restitution to the damaged parties; and to recover the investigative costs of \$1,355.00 prior to consideration of future licensure.

MR. JOHNSON SO MOVED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING

9. CAMBRIDGE DEVELOPMENT, INC., LICENSE #47488 (CONTINUED FROM DECEMBER 18, 2001 AND JANUARY 24, 2002)

Mr. Pat Lundy, President, Cambridge Development Inc. and Investigator Greg Mincheff

were sworn in.

Investigator Mincheff informed the Board that all items on the Notice to Correct had been repaired.

Mr. Lundy's financial statement was presented to the Board for their review.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO DISMISS THE 1ST, 2ND, AND 3RD CAUSES OF ACTION AND TO FIND CAMBRIDGE DEVELOPMENT, INC., LICENSE #47488 IN VIOLATION OF THE 4TH CAUSE OF ACTION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO PLACE A LETTER OF REPRIMAND IN THE RESPONDENT'S FILE FOR ONE YEAR; FOR RESPONDENT TO PAY A \$1,000.00 FINE; AND TO RECOVER THE INVESTGATIVE COSTS OF \$3,293.00 WITHIN 60 DAYS OR THE LICENSE WILL BE SUSPENDED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

10. VALLEY FLOORS, WESLEY EDWIN SMITH, LICENSE #45033 (CONTINUED FROM DECEMBER 18, 2001)

Mr. Wesley Smith, President, Valley Floors; Mr. and Mrs. Andras Barbero, Homeowner; and Investigator Greg Welch were sworn. Mr. David Hilton, attorney for the Respondent, was present.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was entered into the record as Exhibit #2.

Mr. Barbero testified that Robert Herman of Superior Tile had placed a lien on his residence due to the Respondent not paying Superior Tile. Mr. Barbero confirmed that there were seven items needing correcting on the Notice to Correct.

Investigator Welch validated the original Notice to Correct items and had re-validated them in December of 2001. Investigator Welch testified that he had invoices signed by the Respondent for granite and marble work but that the Respondent's license does not allow for the installation of granite or marble. Investigator Welch also testified that the Respondent's license number and monetary limit were not included on the contract.

Mr. Hilton informed the Board that the Respondent and the homeowner were currently in litigation and would like the Board to hear the case after the court hearing is finished.

Copies of letters from subcontractors on the project were entered into the record as Exhibit A.

Mr. Smith testified that his proposal was for carpeting only and he had the original drawing given to him by Mr. Barbero. Mr. Barbero had changed his mind about putting in carpeting.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE MARCH 26, 2002 BOARD HEARING FOR THE BOARD TO SEE ALL OF THE CONTRACTS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

11. APPLICATION HEARING

WEYER CUSTOM HOMES, - (C-3 - CARPENTRY)

Mr. and Mrs. Paul Weyer, Applicants, and Licensing Analyst Ms. Mary Ann Enbody were present.

The hearing was for possible violation of NRS 624.263.

Ms. Enbody testified that the Applicant was indemnifying the license and the financial statement provided supported the requested license limit. She further testified that the bankruptcy court discharged the Applicant's debt October 5, 1997.

Mr. Weyer informed the Board that he would be performing carpentry work with each job not exceeding \$1,000.

MR. CARSON MOVED TO APPROVE WEYER CUSTOM HOMES, LICENSE CLASSIFICATION C-3 (CARPENTRY) WITH A MONETARY LIMIT OF \$50,000 AND A BOND OF \$5,000.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

12. SUMMARY SUSPENSION

MAGNUM AIR, LICENSE NOS. 41008 AND 45333

Mr. Mark Oiness, President, Westmark Homes and Mr. Greg Martin, Director of Construction, Westmark Homes were present.

No one from Magnum Air was present.

The hearing was for possible violation of NRS 624.301(5); NRS 624.3011(1)(a); NRS 624.3013(3).

Mr. Griffy stated that the Board had received a letter, dated November 27, 2001, from Kelly Armstrong, Chief Operating Officer at Magnum Air, regarding the resignation of Robert Haggard, the Qualified Employee, of Magnum Air. The Board received a letter from Mr. Haggard, dated November 27, 2001, confirming the letter from Ms. Armstrong. Mr. Griffy concluded that Magnum Air does not have a qualified employee and has not proven financial responsibility.

MR. CARSON MOVED TO SUMMARILY SUSPEND LICENSE NOS. 41008 AND 45333, MAGNUM AIR, FOR THE INTEREST AND SAFETY OF THE PUBLIC AND FOR MAGNUM AIR TO PROVE THEY HAVE A QUALIFIED EMPLOYEE OR DIRECTORS OR OFFICERS TO ACTIVATE LICENSE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.**DISCIPLINARY HEARING****13. DESERT WIND, LICENSE #43299**

Licensing Analyst Ms. Lisa Bedsole was sworn in.

No one from Desert Wind was present.

The hearing was for possible violation of NRS 624.3013(3); NRS 624.220 and NRS 624.260 to 624.265.

Mr. Griffy informed the Board that the Applicant had signed the Stipulation at the November 20, 2001 Board hearing.

Ms. Bedsole testified that this is the third continuance requested by the Applicant. At the previous hearings the Applicant's license renewal had been denied due to financial responsibility. To date, the Applicant has not supplied an updated financial statement.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO REAFFIRM THE ORIGINAL DENIAL OF DESERT WIND, LICENSE #43299 LICENSE RENEWAL.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING**14. FIBRESURF (A-10E - MAINTENANCE AND REPAIR OF POOLS AND SPAS)**

Mr. Bill Hicks, President, Fibresurf and Licensing Analyst Ms. Mary Ann Enbody were sworn in.

The hearing was for possible violation of NRS 624.263.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was entered into the record as Exhibit #2.

Ms. Enbody testified that the application had been denied August 21, 2001 because the financial statement did not support the license limit requested. She concluded that a new financial statement had not been received.

Mr. Hicks informed the Board that 90% of his credit card debt consisted of student loans and all are current.

MR. CARSON MOVED TO APPROVE FIBRESURF, LICENSE CLASSIFICATION A-10E (MAINTENANCE AND REPAIR OF POOLS AND SPAS) WITH A \$10,000 MONETARY LIMIT AND A BOND OF \$5,000 WITH A FINANCIAL STATEMENT ON RENEWAL.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

15. SPECIAL ACTION

UTE CONSTRUCTION

Mr. Bruce Robb, attorney for the Board, recommended to the Board that this case be dismissed. He will be writing a letter to the complainant, Ms. Sandra Barna, explaining why the charges should be dropped and the case dismissed. Ms. Barna will then be given the opportunity to respond to this letter and voice her issues.

MR. JOHNSON MOVED TO APPROVE THIS COURSE OF ACTION.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING

16. THE BOTTOM LINE, LICENSE #25606 (CONTINUED FROM DECEMBER 18, 2001)

Mr. Joseph Scott and Ms. Debra Scott, The Bottom Line, and Mr. Bruce Robb, attorney for the Board were present.

Mr. Robb stated that at the December 18, 2001 hearing it was determined that a hearing officer be appointed to hear the matter. It was suggested that Board Member David Clark hear the case since he was not present at the December 18, 2001 Board meeting.

MR. HIGGINS MOVED TO APPOINT MR. CLARK HEARING OFFICER AND FOR THE HEARING TO BE SCHEDULED FOR MARCH 5, 2002 AT 1 P.M.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

17. CUTTING CONSTRUCTION COMPANY, LICENSE #15695 (CONTINUED FROM DECEMBER 18, 2001)

Mr. Bruce Robb, attorney for the Board, advised the Board that this is a continued hearing.

Mr. Clarence Cutting, President, Cutting Construction Co.; Mr. and Mrs. Jesus Tiraos, Homeowner; Mr. Danny Robles; Ms. Jennifer Oliveras, Nevada Construction Services; and Investigator Greg Mincheff were sworn in. Mr. Peter Flangas, attorney for the Respondent, was present.

Mr. Robb placed into the record Exhibit #3, a revised contract profile bid; Exhibit #4, a contract between the Respondent and the Tiraos increasing the total contract amount from \$520,000 to \$550,100; Exhibit #5, a letter dated September 11, 2000 from the Tiraos terminating the services of the Respondent; Exhibit #6, a copy of a fax from Jennifer Oliveras, Nevada Construction Services to Mr. Flangas advising that copies of the Tiraos file could not be provided unless subpoenaed to do so; Exhibit #7, a letter to State Contractors Board from the Respondent dated February 3, 2001; Exhibit #8, a budget statement from the Respondent from the Tiraos project; Exhibit #9, a copy of a check made payable to Employers Insurance Co. of Nevada dated April 29, 2000 from the Respondent;

Exhibit #10, a copy of a series of drawings showing the electrical work on the Tirao project; Exhibit #11, a copy of the contract between Mr. Robles and the Respondent.

Mrs. Tirao testified that there was \$75,821.97 left in the construction account which was approximately 85% dispersed at the time of the Respondent's termination. She agreed with Mr. Flangas that the work was 95% complete when she terminated the Respondent's employment. Mrs. Tirao testified that she applied as an owner/builder and did not hire another contractor to complete her home.

Mr. Cutting agreed with Mr. Robb that his license limit was \$500,000 and he had applied for a one-time raise in limit of \$525,000. Mr. Cutting testified that he had not furnished a financial statement and other records requested by the Board. Mr. Cutting stated that he had hired Mr. Robles to do the electrical work on the Tirao project and at that time had thought Mr. Robles had a contractor's license. The work that should have taken two to three weeks to finish took approximately four months to complete. After contacting Ms. Oliveras at the Nevada Construction Services, they were told the only way they could withdraw from the construction account was to have a signed contract. Mr. Cutting testified that the original cost of the project was \$520,000 but when he received the approved set of plans there were over one hundred hold downs and this brought the cost of the job up. He stated that the set of plans he was given to bid on was different from the plans of today. Mr. Cutting concluded that 95% of the house was complete when he left the job.

Ms. Oliveras verified that Exhibit #11 was not a form used by her company. Ms. Oliveras stated that in order for a company to have money dispersed, a contract or form is needed to verify the work. Ms. Oliveras was then excused.

Mr. Robles stated that he had been called by the Respondent and asked if he could get the job done quickly as they were falling behind. Mr. Robles stated that he had been hired to do labor only. He informed the Board that he had been paid in cash for the first week of work but after finishing half of the job the Respondent had him sign the contract. The checks received were made payable to him and the Respondent.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO DISMISS THE 1ST AND 2ND CAUSES OF ACTION AND TO FIND CUTTING CONSTRUCTION COMPANY, LICENSE #15695, IN VIOLATION OF THE 3RD, 4TH, 5TH, 6TH, 7TH AND 8TH CAUSES OF ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CLARK ABSTAINED.

MR. CARSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN THE RESPONDENT'S FILE; FOR RESPONDENT TO PAY \$500 PER VIOLATION; AND TO RECOVER INVESTIGATIVE COSTS OF \$5,451.00 WITHIN 90 DAYS OF THE LICENSE WILL BE REVOKED. THE RESPONDENT IS TO PROVIDE AN UPDATED FINANCIAL STATEMENT WITHIN 60 DAYS TO SUPPORT THE LICENSE LIMIT AND TO BE BROUGHT BEFORE THE BOARD IF FINANCIAL STATEMENT DOES NOT SUPPORT THE LICENSE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CLARK ABSTAINED.

MR. JOHNSON MOVED TO GO INTO CLOSED SESSION FOR A SHORT EXECUTIVE SESSION AND TO KEEP THE MEETING CLOSED FOR APPLICATIONS IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

18. APPLICATIONS

PREFERRED FLOORING INC. – (C –20 TILING; C-10 INSTALL TERRAZZO & MARBLE; C-16 FINISHING FLOORS) NEW APPLICATION

Ms. Nicole Mazen, President, Preferred Flooring Inc., and Mr. Michael Lucchesi, Qualified Employee was present. Mr. Lucchesi informed the Board that the bankruptcy should be discharged within 30 days. They originally declared Chapter 11 but due to the fact that more was owed to them than they owed they declared bankruptcy. Mr. Lucchesi stated that they had answered every single claim against their previous license. The Board informed Ms. Mazen that she is to take the CMS exam within 90 days and that the license applications (C20 – Tiling; C19 – Install Terrazzo & Marble; C16 – Finishing Floors) were approved for a monetary limit of \$50,000 and a bond of \$10,000.

BELLA TERRA INC. – (C-10 LANDSCAPING CONTRACTING) NEW APPLICATION - RECONSIDERATION

Mr. Albert Valery, President, Bella Terra Inc., was present. Mr. Valery informed the Board that his credit card debt included medical expenses. He stated that he was planning on doing residential landscaping. The Board informed Mr. Valery that the license application (C10 – Landscaping) was approved for a monetary limit of \$30,000 and a bond of \$5,000 with a financial statement upon renewal.

COVE ELECTRIC OF NEVADA INC. – (C-2 ELECTRICAL CONTRACTING) NEW APPLICATION

Mr. Robert Pangonis, President, Cove Electric of Nevada, Inc., and Mr. Ralph Pangonis, Qualified Employee were present. The Board informed Mr. Pangonis that the license application (C2 – Electrical) was approved with a monetary limit of \$3,000,000 and a bond of \$30,000.

ADVANCE DESIGN AND CONSTRUCTION – (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Mr. Jeffrey Miller, President, Advance Design and Construction, was present. Mr. Miller informed the Board that he would be doing strictly residential property. The Board informed Mr. Miller that the license application (B2 – Residential and Small Commercial) was approved with a monetary limit of \$900,000 and a bond of \$30,000.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-5, 11, 14, 22-25, 31, 34, 35, 40, 41, 44, 46, 56, 58, 59-61, 66, 71, 72, 76, 83, 87-100, 104, 109, 112-118, 120, 121, 124, 128, 131, 137, 138, 145.

; and on the amended agenda: Nos. 1-13, 18, 19, 22, 26.

MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO APPROVE ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

19. PUBLIC COMMENT

No one from the general public was present to speak for or against any items on the agenda.

20. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Zech at 5:20 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman